

Applicant: Balint et al.
Application No.: 10/506,852
Art Unit: 1791

REMARKS

Claims 1-29 remain pending in the application.

I. Claim Rejections based on 35 U.S.C. § 102

A. In the second paragraph of the "Detailed Action", the Office Action rejects claims 1-29 under 35 U.S.C. § 102(a) as anticipated by U.S. Patent 6,726,868 to Panfili et al. (Panfili). The rejection is respectfully traversed.

The issue date of Panfili is April 27, 2004. The present application is a National Stage of International Application No. PCT/US2004/020257, filed June 24, 2004, which claims the benefit of U.S. Provisional Application No. 60/480,966, filed June 24, 2003. As such, the date of invention of the present invention is at least as early as June 24, 2003, which is before the issue date of Panfili. For at least this reason, Panfili is not available as prior art under 35 U.S.C. § 102(a). Withdrawal of the rejection is respectfully solicited.

While Panfili is not available as prior art under 35 U.S.C. § 102(a), it may be available as prior art under 35 U.S.C. § 102(e). The following arguments are offered under the assumption that a new non-final rejection might be made under 35 U.S.C. § 102(e).

B. In the second paragraph of the "Detailed Action", the Office Action asserts that Panfili shows "the claimed step-by-step method and structural apparatus as claimed" with respect to claims 1, 12, 15, 19, 22 and 29 (the independent claims of the present application).

In the third paragraph of the "Detailed Action", the Office Action asserts that Panfili shows "the various claimed limitations, including injecting two different materials, two different colors, materials having varying hardness, varying locations of spacers and inserts, and clamping steps" with respect to claims 2-11, 13-14, 16-18, 20-21 and 23-28 (the dependent claims of the present application).

The Office Action does not specifically point out what elements or teachings in Panfili are asserted to be the various steps and elements of the "claimed step-by-step method and

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structural apparatus as claimed” in claims 1, 12, 15, 19 and 29, nor does the Office Action specifically point out what elements or teachings in Panfili are asserted to be “the various claimed limitations” in claims 2-11, 13-14, 16-18, 20-21 and 23-28.

Applicants respectfully point out that, under In re Zurko, to establish a prima facie case of anticipation, the Office Action must specifically point out each claimed feature that is disclosed in the applied reference and the specific disclosed elements in the applied reference that correspond to the specific features recited in the rejected claim(s). In particular, the Office Action should identify the corresponding features by reference number, drawing figure and/or column and line number where that element is disclosed in the specification.

The Federal Circuit, in Zurko, specifically stated that it is the obligation of the Patent Office, under the Administrative Procedures Act (APA), to provide a reviewable record establishing a prima facie case of anticipation or obviousness, and if the Patent Office fails to do so, any such unsupported grounds for rejection is improper under the APA and insufficient as a matter of law to sustain the rejection.

That is, under Zurko the Examiner must specifically point out what elements or teachings in Panfili are asserted to be each of the various steps and elements of the “claimed step-by-step method and structural apparatus as claimed” with respect to claims 1, 12, 15, 19, 22 and 29 and must specifically point out what elements or teachings in Panfili are asserted to be “the various claimed limitations” with respect to claims 2-11, 13-14, 16-18, 20-21 and 23-28. Until the Office Action does so, the rejection to claims 1- 29 is legally insufficient to establish a prima facie case of anticipation and must be withdrawn.

In view of aiding the Examiner in this endeavor, Applicants respectfully submit that Panfili teaches using a double molding (i.e. two-mold) process to produce a molded part having a decorative sign. As described in column 3, lines 1-8 and lines 47-63, a first mold creates a core

of the part, the part is then removed from the first mold, placed in a second mold and a cover is created in a second molding process.

Panfili does not teach, disclose or suggest, “maintaining the parting line of the mold closed until the part is complete” or “opening the press to a predetermined position while maintaining a closed parting line”, as set forth in claim 1, “advancing the spacer mechanism to set the inner insert to a second shot position while keeping the parting line of the mold closed”, as set forth in claim 12, “providing a mold, injection nozzles, a moveable inner insert and a spacer mechanism that is moveable relative to a core of the mold while maintaining a parting line of the mold closed until the process is complete”, as set forth in claim 15, “providing a mold with a cavity, at least two injection nozzles, a moveable inner insert and a set of spacer mechanism that is moveable relative to the core while keeping a parting line of the mold closed until the process is completed” as set forth in claim 19, or “moving the insert relative to the cavity to a second position while maintaining the parting line of the mold closed”, as set forth in claim 22.

With regard to claim 29, since Panfili requires two molds for the two separate molding processes, Panfili does not teach, disclose or suggest a mold comprising “a second shot manifold assembly disposed within the manifold plate”, as set forth in claim 29.

For at least the reasons outlined above, Applicants respectfully submit that Panfili fails to teach, disclose or suggest all of the features of claims 1, 12, 15, 19, 22 and 29. Likewise, Panfili fails to teach, disclose or suggest all of the features of the dependent claims 2-11, 13-14, 20-21 and 23-28. Therefore, Panfili fails to anticipate claims 1- 29 under 35 U.S.C. § 102(a), §102(e) or any other relevant subsection of 35 U.S.C. § 102. Withdrawal of the rejection to claims 1-29 is respectfully solicited.

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C. Applicants believe that no new matter has been added by this response.

Applicants submit that all of the claims 1-29 are in condition for allowance. Favorable action thereon is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen J. Roe", is written over a horizontal line.

Stephen J. Roe, Reg. No. 34,463
Attorney for Applicants
Benjamin A. Campbell, Reg. No. 61,030
Patent Agent
LATHROP & CLARK LLP
740 Regent Street, Ste. 400
P.O. Box 1507
Madison, WI 53701-1507
Phone: (608) 257-7766
Fax: (608) 257-1507